

**ORDINANCE NO. 2016-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ADOPTING EMPLOYEE PERSONNEL POLICY NO. 131, SUPPORT OF NURSING MOTHERS POLICY, AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS,** City Staff desires to improve Personnel Policies and Procedures for City Employees; and

**WHEREAS,** The City of Copperas Cove Council recognizes the need to establish a flexible and responsive personnel system; and

**WHEREAS,** The personnel policies and procedures manual establishes a personnel system and process for administrative purposes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:**

**Section 1.**

That the Personnel Policies and Procedures Manual dated September 1, 2006, is hereby amended by addition of a new personnel policy, No. 131, (support of Nursing Mothers) with the language set out in Exhibit "A", attached hereto and incorporated herein for all purposes;

**Section 2.**

That the remaining sections of the said Personnel Policies and Procedures Manual are hereby ratified, and shall remain in full force and effect;

**Section 3.**

That any additions, deletions or other amendments to the Personnel Policies and Procedures Manual shall be made in a manner similar to process by which this manual is originally approved and only after compliance with the Texas Open Meetings Act and approved by the City Council of the City of Copperas Cove;

**Section 4.**

That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid;

**Section 5.**

That this ordinance shall be effective January 5, 2016.


**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS**, this 5th day of January 2016, such meeting held in compliance with the Open Meeting Act (Texas Government Code, Chapter 551.001 et.seq.), at which a quorum was present and voting.

  
Frank Seffrood, Mayor

**ATTEST:**

  
Mariela Altott, City Secretary

**APPROVED AS TO FORM:**

  
Denton, Navarro, Rocha  
Bernal, Hyde & Zech P.C., City Attorney



## **SUPPORT OF NURSING MOTHERS POLICY 131**

January 2016

### **1.0 Purpose**

As part of our policies and benefits, the City of Copperas Cove supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

### **2.0 Accommodation for Lactating Mothers**

The City of Copperas Cove will accommodate any employee who is breastfeeding her child by providing reasonable break times to express breast milk for her baby. Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

All women who breast feed their child and who need to express milk during the working day will work with their supervisor and Human Resources to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.

Breaks of more than 15 minutes in length shall be unpaid, and the employee should indicate this break period on her time record. Employees may substitute accrued vacation and/or compensatory leave for the unpaid time. Should the employee perform any work while expressing breast milk, the time shall be compensated.

### **3.0 Discrimination and Retaliation**

Texas Law provides that a public employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk in the workplace. Any employee violating this prohibition may be subject to disciplinary action.

2015 Tex. Sess. Law Serv. Ch. 921 (H.B. 786) (VERNON'S)

VERNON'S TEXAS SESSION LAW SERVICE 2015

Eighty-Fourth Legislature, 2015 Regular Session

Additions are indicated by **Text**; deletions by ~~Text~~ .

Vetoed are indicated by ~~Text~~ ;

stricken material by ~~Text~~ .

CHAPTER 921

H.B. No. 786

RIGHT OF A PUBLIC EMPLOYEE TO EXPRESS BREAST MILK IN THE WORKPLACE

AN ACT

relating to the right of a public employee to express breast milk in the workplace.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 619 to read as follows:

T. 6 Subt. A Ch. 619

CHAPTER 619. RIGHT TO EXPRESS BREAST MILK IN THE WORKPLACE

<< TX GOVT § 619.001 >>

**Sec. 619.001. DEFINITION.** In this chapter, "public employer" means:

- (1) a county, a municipality, or another political subdivision of this state, including a school district; or
- (2) a board, a commission, an office, a department, or another agency in the executive, judicial, or legislative branch of state government, including an institution of higher education.

<< TX GOVT § 619.002 >>

**Sec. 619.002. RIGHT TO EXPRESS BREAST MILK.** An employee of a public employer is entitled to express breast milk at the employee's workplace.

<< TX GOVT § 619.003 >>

**Sec. 619.003. POLICY ON EXPRESSING BREAST MILK.** (a) A public employer shall develop a written policy on the expression of breast milk by employees under this chapter.

(b) A policy developed under Subsection (a) must state that the public employer shall:

- (1) support the practice of expressing breast milk; and
- (2) make reasonable accommodations for the needs of employees who express breast milk.



<< TX GOVT § 619.004 >>

**Sec. 619.004. PUBLIC EMPLOYER RESPONSIBILITIES.** A public employer shall:

- (1) provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk; and
- (2) provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

<< TX GOVT § 619.005 >>

**Sec. 619.005. DISCRIMINATION PROHIBITED.** A public employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under this chapter.

<< TX GOVT § 619.006 >>

**Sec. 619.006. NO CAUSE OF ACTION CREATED.** This chapter does not create a private or state cause of action against a public employer.

**SECTION 2.** This Act takes effect September 1, 2015.

Passed by the House on April 27, 2015: Yeas 90, Nays 47, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 786 on May 30, 2015: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 24, 2015: Yeas 21, Nays 9.

Approved June 18, 2015.

Effective September 1, 2015.